

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KELVIN M. JORDAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:06CV1231 HEA
)	
DIERBERG'S,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's Motion for Appointment of Counsel, [Doc. No. 4]. There is no constitutional or statutory right to the appointment of counsel in a civil case. *See generally, Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In considering a motion to appoint counsel for an indigent party, the court should "determine whether the nature of the litigation is such that [the party] as well as the court will benefit from the assistance of counsel." *Id.*, at 1005.

Plaintiff contends that he was discriminated against based on his race while employed with defendant. In his complaint, plaintiff sets forth the basis of his claim and delineates the reasons therefore. Having considered the factual complexity of the case, the ability of movant to investigate the facts, the potential existence of

conflicting testimony, the ability of plaintiff to present his claim and the complexity of the legal issues involved in this case, *see Johnson v. Williams*, 788 F.2d 1319, 1323 (8th Cir. 1986), the Court concludes that appointment of counsel is not warranted at this time.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Motion for Appointment of Counsel, [Doc. No. 4], is denied without prejudice.

Dated this 21st day of August, 2006.

A handwritten signature in cursive script, reading "Henry Edward Autrey", written in dark ink.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE